

Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

August 14, 1978

Present: Zielinski, Chaput, Sauer, Young, Hannaford, Kulmala, Raftery

In the Minutes of the July 24 Meeting, the date when the 250 foot frontage requirement became effective should have read 1956. The Minutes were accepted as amended.

Kay Kulmala reported that the flood insurance maps are available in final form. She will bring the maps to the next meeting for review. A time will be set for a meeting with Town Committees to discuss the maps.

Don Lloyd, Bingham Road, again presented a plan for swapping 4114 sq. ft. of land with his neighbors, Kathleen and Lloyd Dow, for the purpose of building a septic system. The house is not shown on the plan and it could not be determined if the 250 foot requirement for house location on a porkchop lot continued to be met with the new lot lines. Lloyd will locate the house on the plan with the appropriate measurements.

The Driveway Permit Hearing for Talbot on Russell Street (Lots B, C and "remaining land of Den Hartog) began with the reading of the Public Notice which appeared in the Concord Journal on July 20 and 27. It was felt that a separate maintenance agreement should be drawn up and recorded with the deeds of all lots involved for the protection of subsequent buyers. Currently the only provisions for maintenance are contained as part of the body of the deed from Parker to Talbot. No final plan was available because of an injury to the Civil Engineer.

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Talbot stated that the 12 foot wide driveway is located on the site of an existing footpath and a maximum of three houses would be served. Abutter Dyson asked what was to prevent Talbot from developing the large acreage into many lots and accessing them over the driveway. Talbot has the option to develop this acreage under the Subdivision Control Law by upgrading the driveway to a Town-acceptable street. McGowan, representing abutter Anderson, asked how the Town would handle enforcement of the Maintenance Agreement. It was explained that the Board will be looking in the Agreement for provisions for self-enforcement which will make Town involvement unnecessary. None of the abutters present expressed any objections to the plan.

The decision regarding this application will be made within 90 days of filing, providing Talbot provides the Board with a copy of an acceptable maintenance agreement and a final plan. Abutters will be notified of the decision and there will then be a 20day appeal period.

A Driveway Permit Hearing for land owned by Rolando on River Road was then held. A third draft of the proposed covenant for maintenance of the driveway and common lands was presented. Atty. Glynn explained some points in the covenant. There was discussion of the procedure by which the Association will act to take care of emergency action and to take care of nonfeasance by a majority of the lot owners. Several changes were suggested.

Mr. Rolando showed on the plan two changes from former plans for the location of the common driveway; one change was made at the request of the Conservation Commission and the other at the suggestion of the Planning Board at an earlier meeting.

Abuttor Wallerstein presented a letter from Atty. Kadison addressing the fact that Wallerstein and abuttor Elliott have an easement over the 50 foot strip to River Road which Rolando is using as the beginning of the common driveway. The easement gives Wallerstein or Elliott the right to put in a street to access their land. The question was raised as to whether they have a right to do anything besides building a street, i.e., access a porkchop lot. After discussion it was felt that granting this Special Permit to Rolando would not remove any rights that Elliott and Wallerstein now have. Both abuttors expressed their opinion that this planned use of the land was the best from their point of view.

A motion was made and seconded that, subject to two conditions--(1) receipt of the plan acceptable to the Board and (2) receipt of the revised covenant including the suggested changes, the Board approve the Special Driveway Permit for Rolando and that one member (Tom Raftery) can decide that the conditions have been met. Voted unanimously.

Mr. Lloyd returned with an older plan of his property showing the location of the house on Lot 4B. The revised plan presented earlier was signed under Approval Not Required.

Art Charbonneau appeared to resubmit two plans for land on South Street (Valleyhead). One had been previously signed by the Board under Approval Not Required, but there had been subsequent changes to some of the lot lines. The revision was signed.

The other plan had been rejected by the Board because of the house location on a porkchop lot. The lot lines for this lot had been changed to give the lot 250 foot frontage, but the house was still too close to the side line. Charbonneau explained that there are 78 feet between the

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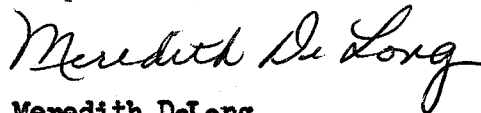
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two buildings (Lots 8 and 7) and that any lot line between them will make one or the other closer than 40 feet to the line. His feeling was that the Board's signing the plan would not make an illegal lot legal. The Board felt it should not sign any plan where there was an obvious infringement of the bylaw. Variances, the possibility of removing part of the building and other remedies for the situation were discussed. Neil Melone will be asked for an opinion.

Meeting adjourned at 11:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Meredith DeLong".

Meredith DeLong
Secretary to the Planning Board